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DELTA STEWARDSHIP COUNCIL

A California State Agency

MEMORANDUM

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Date: July 26, 2018

To: Jessica Pearson, Executive Officer

From: Ron Melcer, Senior Environmental Scientist (Supervisor)

Executive Officer
Jessica R. Pearson

Subject: Update on the Development and Timeline of the Ecosystem
Amendment to the Delta Plan

At the May 2018 Council meeting, staff provided a memo on recent and ongoing efforts to develop the Ecosystem Amendment to the Delta Plan. The update described key objectives of the Ecosystem Amendment, and identified major tasks associated with the processes including assessing feedback on synthesis papers, technical analyses, and planning for the California Environmental Quality Act (CEQA) process by assessing scope and level of effort. This memorandum provides an update for the Council on progress since the May meeting, as well as an updated timeline.

Background

The Delta Reform Act of 2009 requires that the Council adopt a Delta Plan to achieve the coequal goals of providing a more reliable water supply for California and protecting, restoring, and enhancing the Delta ecosystem. The coequal goals shall be achieved in a manner that protects and enhances the unique cultural, recreational, natural resource, and agricultural values of the Delta as an evolving place (Water Code Section 85000). The Delta Plan was adopted in 2013, with reviews intended to occur at least every five years.

Since 2013, significant progress in project implementation and a shift in State and federal priorities in the Delta have resulted in new opportunities for Delta ecosystem protection, restoration, and enhancement. In addition, new research and scientific information provide an improved understanding of key issues such as climate change effects and restoration approaches within the Delta and its watershed. As such, Council staff is developing an amendment of the Plan's Chapter 4, *Protect, Restore, and Enhance the Delta Ecosystem* that capitalizes on these advances and sets forth new strategies to achieve the ecological goals of the Delta Reform Act.

"Coequal goals" means the two goals of providing a more reliable water supply for California and protecting, restoring, and enhancing the Delta ecosystem. The coequal goals shall be achieved in a manner that protects and enhances the unique cultural, recreational, natural resource, and agricultural values of the Delta as an evolving place."

– CA Water Code §85054

Overall Progress

Initial Outreach

As stated at the October 2017 Council meeting, staff is committed to an inclusive, multi-party approach to develop a draft amendment. Since mid-September 2017, the Council's Chair, Vice Chair, and staff have held a series of listening sessions with stakeholders. Additionally, staff has engaged with staff from other State, federal, and local agencies, Delta residents, stakeholders, and the public; held public meetings; and worked with the Delta Plan Interagency Implementation Committee members.

Listening sessions and targeted outreach have included the following entities:

Audubon California
Department of Fish and Wildlife (DFW), Habitat Conservation Branch
CDFW Delta Levees
CDFW Bay Delta Region
Department of Water Resources (DWR), Suisun Marsh Branch,
DWR, Environmental Restoration and Enhancement Branch
DWR, EcoRestore Team
Public Policy Institute of California
Yolo Basin Foundation
Yolo County
American Rivers
State Parks Division of Boating and Waterways
California Trout
Trout Unlimited
Solano County
Sacramento County Planning
San Joaquin County Ag Commissioner
Contra Costa County Ag Commissioner
National Marine Fisheries Service
California Biodiversity Council Interagency Advisory Team
Suisun Marsh Principles
Delta Protection Commission (DPC) – staff and Commission
Sacramento-San Joaquin Delta Conservancy – staff and Board
State Water Contractors

Ongoing outreach occurs through selected forums or with the following entities:

Council Meeting Presentations
California Department of Fish and Wildlife (DFW) Water Branch
California Natural Resources Agency
Delta Conservancy
Delta Protection Commission

Key Stakeholder Themes

A few key themes have emerged from the listening sessions and other outreach efforts. Stakeholders have encouraged the Council to take the following into consideration:

1. Natural Communities. Broaden the focus beyond fish to include other taxa (e.g. native birds, mammals) and natural communities. Further define multi-benefit habitat restoration projects (e.g., flood protection and fish habitat) in the context of the Delta.
2. Natural Resource Management. Use innovative, evidenced-based approaches to: a) Move beyond mitigation; mitigation is intended to maintain the existing conditions, and is not the same as restoration; b) Focus on ecological function and process when undertaking restoration; and c) Consider how working lands can improve restoration opportunities, in particular those lands which are adjacent to conservation lands.
3. Landscape Outcomes. Develop clear and “SMART” ecological goals and objectives that are measurable, using best available science.
4. Role of the Delta. Within a broader context, consider what will be needed to support populations of wildlife and fish given recent landscape-scale conservation planning within the Sacramento and San Joaquin River watersheds and other tributaries when defining the scope of restoration within the Delta.

Staff has also heard from local representatives during listening sessions, one-on-one meetings, and through engagement in the Delta Conservation Framework of the need to integrate considerations of the Delta as an evolving place in to restoration planning. This included considering and respecting local land use in restoration planning as is outlined in the existing Delta Plan policy DP P2, more comprehensively considering the benefits that restoration can have to society (e.g. cultural values, ecosystem services), and recognizing and increasing opportunities for education and nature-based recreation within the Delta. Staff also received input on potential opportunities to support conservation practices on working lands, and the need for local community engagement in conservation planning, with support for restoration of current public lands.

The Interagency Committee (IC)—created to assist in evaluating the amendment process objectives, approach, and progress—has also met on four occasions since November 2017, and additional meetings are being scheduled. Members of the Interagency Committee include representatives from DWR, the Central Valley Flood Protection Board, the CNRA, the Delta Conservancy, the DPC, DFW, the California Department of State Parks, the U.S. Fish and Wildlife Service, NOAA Fisheries, the State Water Resources Control Board, and the Suisun Resource Conservation District. A charter has been developed for the Interagency Committee to keep our efforts on-track and expectations clear.

Open House:

Council staff discussed the *findings* of the synthesis papers during the Council Meeting on February 22, 2018. A public workshop was held that same evening in Clarksburg, where staff presented the science synthesis work to Delta residents and other stakeholders, and

participated in an open house discussion on the amendment. Comment letters and communications on the synthesis papers have been received from expert scientists and stakeholders including Restore the Delta, U.S. Geological Survey, California Department of Fish and Wildlife, California Department of Water Resources, and the State Water Resources Control Board. Council staff have reviewed and integrated comments received from various forums including the February 22 public workshop, a review by the IC, and stakeholder comments into work on development of a draft ecosystem amendment.

Science Synthesis Papers

On April 9, 2018 the Council staff released public draft versions of the science synthesis papers, which summarize the best available science in a number of topic areas and synthesize data and conclusions to support the Ecosystem Amendment. The following synthesis papers were posted to the Council's website (http://deltacouncil.ca.gov/delta-plan-ecosystem-amendment#delta_plan_ecosystem_amendment-block-1).

- *Climate Change and the Delta: A Synthesis*
- *Delta Ecosystem Stressors: A Synthesis*
- *Towards the Protection, Restoration, and Enhancement of the Delta Ecosystem: A Synthesis* (including Appendix A).

Collectively, this body of work reviews and synthesizes the best available science and considers related 2013 Delta Plan narrative, policies, recommendations, and performance measures for whether and how they could be affected by findings from the science review.

Delta Independent Science Board Review:

On June 5, 2018, the Delta Independent Science Board (Delta ISB) provided a review of these synthesis papers in a memo titled "Review of the Synthesis Papers to Inform the Delta Plan Ecosystem Chapter Amendment" (The memo is available at: <http://deltacouncil.ca.gov/sites/default/files/2018/06/2018-6-8-FINAL-MEMO-DISB-DeltaPlanEcoPapers-Review-20180605.pdf>). Council staff has been reviewing and incorporating feedback received from the Delta ISB in the work described below on the Ecosystem Amendment.

Ongoing Tasks and Outreach

Staff is currently developing draft performance measures, policies, and recommendations, a draft of the chapter narrative, and supporting materials. As described in May, key objectives of the Ecosystem Amendment are:

- 1) Integrating climate resiliency concepts and strategies within the Delta Plan,
- 2) Addressing the importance and interdependence of a healthy ecosystem to the Delta as an evolving place,
- 3) Identifying strategies to improve conservation benefits on working landscapes including a robust incorporation of adaptive management in agricultural practices intended to benefit the ecosystem,

- 4) Providing quantitative ecosystem objectives based on best available scientific understanding of conservation needs and landscape opportunities, and
- 5) Reducing governance barriers and challenges associated with the implementation of restoration projects including restoration science support, long term ownership and management of lands, continuing to improve permitting efficiencies.

Council staff continue to work on the following major tasks. These include:

- Developing a set of conceptual conservation and restoration priorities founded on principles and guidelines discussed in the science synthesis papers. These priorities align with an initial pilot analysis conducted by the San Francisco Estuary Institute (SFEI), which has assessed region-wide conservation and restoration opportunities using the strategies described in *A Delta Renewed*.
- Conducting peer review of recently completed technical analyses. This includes an update to the map associated with Policy **ER P2** using new information on tidal datums and sea-level rise projections, and assessing ecosystem restoration potential given current land elevations and the potential for subsidence reversal to increase these opportunities.
- Developing recommendations and actions to address gaps in adaptive management through coordination with the Delta Science Program.
- Planning for the CEQA process by assessing scope and level of effort.

Outreach and engagement activities continue with interested stakeholders, local government representatives, and State and federal agency staff.

The IC met on July 11, 2018 and provided feedback and discussion on the Delta ISB's review comments on the Science Synthesis Papers, the overall objectives of the amendment, and a set of performance measure concepts. Staff will next be seeking input from the IC on a proposed amendment framework including policies, recommendations, and performance measures, the technical basis of the baselines, metrics, and targets, and effectiveness of the performance measures as indicators of Delta Plan implementation. Staff will incorporate feedback from the IC on the framework within the draft Ecosystem Amendment.

- Potential policy refinements include:
 - Incorporating new scientific information and State guidance in technical figures in Chapter 4, such as Figure 4-6: "Habitat Types Based on Elevation, Shown with Developed Areas in the Delta and Suisun Marsh".

- Potential recommendations refinements include:
 - Providing guidance to partner agencies on Delta Plan implementation:
 - Priority restoration actions needed to re-establish ecosystem function within the Delta.
 - Quantitative targets for ecosystem uplift within the Delta, which align stakeholders and implementing agencies around a common ecological vision.
 - Actions which increase efficiency in permitting restoration projects such as the establishment of a Delta Regional Conservation Assessment (RCA) and Regional Conservation Investment Strategy (RCIS) in partnership with California Department of Fish and Wildlife.
- Potential Performance Measure refinements include:
 - Considering new scientific information and data that improve the understanding of conditions of the Delta ecosystem, including new vegetation and land use mapping, assessments of barriers to fish migration, and remote sensing of seasonal inundation of floodplains.

Staff anticipates presenting the Ecosystem Amendment framework to the Council at the August 23, 2018 Council meeting. This presentation will include a draft list of conservation priorities, accompanied by a matrix of proposed policies, recommendations, and a set of draft revised performance measures that set targets for ecosystem function for the region.

Following this meeting, staff will consider and incorporate Council and public comments to prepare a revised Delta Plan Chapter 4 for Council review in September 2018 for purposes of initiating CEQA review.

Public Comment

Future opportunities for public engagement and comment include the Council meetings in August and September, and public meetings and milestones associated with the CEQA process. Council staff will circulate the August 2018 Council meeting materials for review and comment to stakeholders who have engaged in the amendment process to date.

Public comments about any aspect of the proposed Delta Plan ecosystem amendment are welcome and will be used to inform the development of policies, recommendations, and performance measures for Chapter 4. Written comments can be submitted by email to ecosystemamendment@deltacouncil.ca.gov or by letter to Ecosystem Amendment, Delta Stewardship Council, 980 Ninth Street, Suite 1500, Sacramento, CA 95814. Please see the ecosystem Amendment webpage: <http://deltacouncil.ca.gov/delta-plan-ecosystem-amendment>.

Timeline & Anticipated Deliverables

Based on the approach outlined above, following is a schedule-based summary of Ecosystem Amendment milestones for future Council meetings:

- Ongoing: Staff reviews and integrates synthesis paper feedback from Delta stakeholders, the IC, and the Delta ISB to develop a draft Ecosystem Amendment framework. Staff conducts additional outreach and engagement with local governments, partner agencies, and other interested parties regarding development of the Ecosystem Amendment framework.
- August 2018: Staff provides an informational briefing at Council meeting, presenting the draft Ecosystem Amendment framework for discussion, including Delta conservation priorities, policies, recommendations, and performance measures.
- September 2018: Staff presents a draft of the Chapter 4 amendment to the Council. Council reviews and provides input on proposed Chapter 4 narrative, policies, recommendations, and performance measures.
- October 2018: Staff releases Notice of Preparation and initiates CEQA scoping meetings.
- November 2018: Council considers endorsing the draft ecosystem amendment as the proposed project description for purposes of CEQA.
- Summer 2019: Anticipated certification of CEQA document and final approval of Ecosystem Amendment.